

Nalco Docket No.: 7759
Customer No. 000049459

OFFICIAL

REMARKS

This in reply to the Office Action mailed on March 15, 2006.

Claims 1-19 are currently pending.

Claims 1-13 are withdrawn from consideration pursuant to a restriction requirement under 35 U.S.C. § 121.

Claims 14 and 16 are rejected under 35 U.S.C. § 102(b) over Patent No. 4,880,566 ("Baehr").

Claim 15 is objected to as being based on a rejected base claim.

Claim 17 is rejected under 35 U.S.C. § 103(a) over Patent No. 4,880,566 ("Baehr") in view of Patent No. 4,614,646 ("Christiansen").

Claim 18 is rejected under 35 U.S.C. § 103(a) over Patent No. 4,880,566 ("Baehr").

Claims 1-13 are cancelled without prejudice to reduce the matters at issue.

Claims 14-19 are amended to particularly point out and distinctly claim subject matter which Applicant regards as his invention.

No new matter is added.

Nalco Docket No.: 7759
Customer No. 000049459

OFFICIAL

DISCUSSION

The Rejection of Claims 14 and 16 under 35 U.S.C. § 102(b) over Patent No. 4,880,566

Claims 14 and 16 are rejected under 35 U.S.C. § 102(b) over Patent No. 4,880,566 ("Baehr").

Applicant respectfully traverses this rejection.

Applicant has amended claim 1 to recite a synergistic mixture which consists of (i) from about 40 weight % to about 60 weight % water; (ii) from about 20 weight % to about 95 weight % diethylenetriaminepentakis(methyl)phosphonic acid or its known salts; (iii) from about 5 weight % to about 50 weight % polyacrylic acid or its known salts; optionally (iv) from about 1 weight % to about 20 weight % of one or more inert compounds. Support for this amendment is found throughout the specification, particularly at page 12, lines 13-19.

Applicant respectfully asserts that Baehr, which concerns stabilizing mixtures for aqueous peroxide bleaching baths, discloses a mixture comprising (a) polyhydroxy and/or hydroxycarboxylic acid acids and their salts; (b) polyacrylic acids and their partially neutralized form; (c) polyamine and/or amine polyphosphonic acids and their salts; and (d) 35% hydrogen peroxide solution where components (a)-(c) are present in a ratio of 1 to 6: 0.2:1: 0.4:4.

As discussed in detail in Applicant's Amendment and Reply dated December 27, 2005, Applicant respectfully asserts that Baehr concerns a different problem, does not disclose a composition which does not necessarily include component (a), that must include diethylenetriaminepentakis(methyl)phosphonic acid or its salts and polyacrylic acid or its salts in the claimed amounts or that such a composition would be synergistic. Accordingly, as Baehr does not disclose the claimed synergistic mixture, Applicant respectfully requests withdrawal of the rejection of claims 14 and 16 under 35 U.S.C. § 102(b).

Nalco Docket No.: 7759
Customer No. 000049459

OFFICIAL

The Rejection of Claim 17 is rejected under 35 U.S.C. § 103(a) over Patent No. 4,880,566 in view of
Patent No. 4,614,646

Claim 17 is rejected under 35 U.S.C. § 103(a) over Patent No. 4,880,566 ("Baehr") in view of Patent No. 4,614,646 ("Christiansen").

Applicant respectfully traverses this rejection.

As discussed above, Applicant respectfully asserts that Baehr does not disclose a composition which does not contain polyhydroxy-and/or hydroxycarboxylic acids and their salts. Applicant further respectfully asserts that Christiansen, which concerns a stabilized hydrogen peroxide solution, provides no basis for selecting sodium acrylate from among the list of polymers disclosed therein, the claimed ratios of the components, or that such a composition would have any utility for brightness enhancement or be synergistic with respect to brightness enhancement.

Accordingly, Applicant respectfully asserts that there is no motivation in either Baehr or Christiansen supportive of their combination and even if the references are combined, the end result would be different from the claimed invention. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 17 under 35 U.S.C. § 103(a) over Baehr in view of Christiansen.

The Rejection of Claim 18 under 35 U.S.C. § 103(a) over Patent No. 4,880,566

Claim 18 is rejected under 35 U.S.C. § 103(a) over Patent No. 4,880,566 ("Baehr").

Applicant respectfully traverses this rejection.

Applicant has carefully reviewed Baehr and is unable to find any disclosure of the claimed inert ingredients or their amounts in the disclosed composition which is, in any event, different from Applicant's composition. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 18 under 35 U.S.C. § 103(a) over Baehr.

Nalco Docket No.: 7759
Customer No. 000049459

OFFICIAL

CONCLUSION

Applicant respectfully asserts that the foregoing amendment is presented to comply with the Examiner's comments regarding synergy in the Office Action and to present the claims in better form for consideration on appeal if necessary. Applicant therefore respectfully requests entry of this amendment, consideration of the foregoing discussion and withdrawal of the rejections under §§ 102(b) and 103(a) and asserts that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully Submitted,



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